

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

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U.S. DISTRICT COURT  
DISTRICT OF MASS.

**CIVIL ACTION NO. 04-CV-12169-REK**

**PLAINTIFF'S MOTION TO COMPEL PRODUCTION OF DOCUMENTS**

Pursuant to Fed. R. Civ. P. 26, 34 and 37 and Local Rule 26, Plaintiff Ann Mitchell ("Plaintiff") hereby moves this Honorable Court to issue an order compelling Defendants Hallmark Health Systems and Julie Chase Shaughnessy to produce the documents requested in Plaintiff's First Request for Production of Documents.

As reasons therefore, Plaintiff states that although nearly 5 months have passed since Plaintiff served her requests for documents on Defendants, Defendants have not responded to Plaintiff's requests. Pursuant to Local Rule 7.1(A)(2) and Local Rule 26.1, on numerous occasions, counsel have conferred by telephone on this discovery dispute. Unfortunately, despite Plaintiff's counsel's efforts to obtain the documents from Defendants, Defendants have neither formally objected to nor produced the requested documents to Plaintiff.<sup>1</sup> Plaintiff incorporates herein by reference additional reasons contained in Plaintiff's memorandum of law accompanying this motion.

<sup>1</sup> In or about October 2003 Defendant Hallmark Health produced what Plaintiff believes was only a portion of her personnel file.

Wherefore, in the interests of fairness and judicial economy, Plaintiff respectfully requests that this Honorable Court order Defendants to serve its/her production of documents on Plaintiff on or before December 21, 2005.

**REQUEST FOR ORAL ARGUMENT**

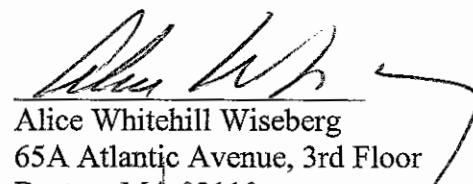
**Plaintiff hereby requests oral argument on this motion.**

Respectfully submitted,

ANN MITCHELL

  
Ann Mitchell

ANN MITCHELL  
By Her Attorney,

  
Alice Whitehill Wiseberg  
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**Certification Pursuant to Local Rule 7.1(A)(2) and Local Rule 26.1**

I hereby certify, pursuant to Local Rule 7.1(A)(2) and Local Rule 26.1, that on November 28, 2005 and November 2, 2005, and a various times ~~previously~~, I contacted Defendants' counsel, John Simon, by telephone and we discussed for approximately 30 minutes this issues involved in this discovery dispute in a reasonable and good faith effort to resolve and or narrow the issues addressed in this motion. Unfortunately, despite counsels' best efforts, a mutually agreeable resolution to the dispute could not be reached.

  
Alice Whitehill Wiseberg